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10/718,317	11/20/2003	Karen Dove	SWA-30164	9773

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EXAMINER

PAIK, STEVE S

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,317

Applicant(s)

DOVE ET AL.

Examiner

Steven S. Paik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 17 and 20 is/are allowed.
6) ☒ Claim(s) 1-16, 18 and 19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Receipt is acknowledged of the Amendment filed June 29, 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9, 11-13, 15, 18, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Tuttle (US 6,509,829).

Re claim 1, Tuttle discloses a method and a system for monitoring passengers during boarding or disembarking from a passenger carrier (airplane), the method comprising:

providing a passenger monitoring system (system 12) at a gateway area (main terminal area; col. 3, ll. 32-48) for boarding or disembarking of a passenger carrier for a designated carrier event, the passenger monitoring system including a passenger data collecting device (interrogator 50; col. 5, l. 16-23), an instruction input device (col. 14, ll. 47+), a video monitor display device (170) and a data processor (controller) that is in communication (via network 154; Any appropriate network, such as a local area network, wide area network, Intranet network, Internet network, etc. can be employed.) with a remotely located central database containing stored carrier and passenger data for the carrier event;

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collecting passenger boarding or disembarking data from at least one passenger with a single inquire event for each at least one passenger (Step 124 in Fig. 13 indicates the inquiry as to location of individual/equipment/checked bag/carry on is received once at the beginning of the flowchart.) during boarding or disembarking operations at the gateway area with the passenger monitoring system (Fig. 13);

updating (move a passenger from a reservation list to a checked in list) the stored carrier and passenger data with the collected data (160 in Fig. 14); and

displaying stored carrier and passenger data on the display device (170) of the passenger monitoring system (12) upon inquiry instruction input into the instruction input device (124 in Fig. 13).

Re claim 2, Tuttle discloses the method as recited in rejected claim 1 stated above, further comprising:

comparing the collected passenger data to the stored carrier and passenger data (step 158 in Fig. 14) and providing a comparison result (160) on the display device that includes an indication of at least one of a validation status (checked-in or not), a non-validation status, and a prompt to check for passenger information for the at least one passenger, and further includes displaying at least a passenger identifier for the at least one passenger and a total number of passengers having a validated status for the carrier event on the display device (col. 16, line 66-col. 17, line 8).

Re claim 3, Tuttle discloses the method as recited in rejected claim 1 stated above, wherein:

displaying stored carrier and passenger data includes providing a display menu on

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the display device with a plurality of monitoring options for selection as inquiry instruction input for display of information relating to at least one of the boarding, disembarking and transitional passenger information (col. 17, ll. 60 – col. 18, line 10).

Re claim 4, Tuttle discloses the method as recited in rejected claim 1 stated above, wherein:

displaying stored carrier and passenger data includes displaying status information on the display device for all passengers associated with the carrier event (col. 17, ll. 60 – col. 18, line 10).

Re claim 5, Tuttle discloses the method as recited in rejected claim 1 stated above, wherein:

displaying stored carrier and passenger data includes displaying passenger information that includes a passenger identifier for each passenger and boarded or non-boarded status for each passenger associated with the carrier event (col. 17, ll. 60 – col. 18, line 15).

Re claim 6, Tuttle discloses the method as recited in rejected claim 5 stated above, wherein:

the passenger information further includes at least one of baggage information associated with each passenger, boarding pass identifier, and any transitional passenger information (col. 17, ll. 60 – col. 18, line 15; In column 17, lines 54-59, Tuttle discloses the card on the checked baggage includes a display, which displays the destination of the baggage (and/or transfer points)).

Re claim 7, Tuttle discloses the method as recited in rejected claim 6 stated above, wherein:

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transitional passenger information includes connecting and continuing passenger information (Tuttle discloses that the system uses the existing reservation database of the system 152, including information identifying passengers who have purchased tickets for a flight, and information about scheduled departures. The information includes existing information such as a flight, bus or train number 178, destination 180, a gate, bay, or track number 182, scheduled departure time 184, and status information 186 (e.g., boarding, on time, delayed, gate change, see agent, cancelled, etc. It is conventional and known in the art to list all of the connecting flights in the boarding pass (paper) if the destination requires connecting flights. The information stored in the electronic boarding pass in Tuttle reference is clearly capable of storing information listed above).

Re claim 8, Tuttle discloses the method as recited in rejected claim 7 stated above, wherein:

connecting passenger information includes at least one of the total number of connecting passengers (number of passengers in the checked-in list) for the designated carrier event, identification of the connecting passengers (such as a SSN, a confirmation number or a confirmation number), identification of connecting passengers incoming carrier events (flight number), scheduled time of arrival (scheduled departure time and status information) of the connecting passengers incoming carrier events, origin of the incoming carrier events and status of the incoming carrier event (Tuttle discloses that the system uses the existing reservation database of the system 152, including information identifying passengers who have purchased tickets for a flight, and information about scheduled departures. The information includes existing information such as a flight, bus or train number 178, destination 180, a gate, bay, or

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track number 182, scheduled departure time 184, and status information 186 (e.g., boarding, on time, delayed, gate change, see agent, cancelled, etc. It is conventional and known in the art to list all of the connecting flights in the boarding pass (paper) if the destination requires connecting flights. The information stored in the electronic boarding pass in Tuttle reference is clearly capable of storing information listed above. In column 17, lines 54-59, Tuttle discloses the card on the checked baggage includes a display, which displays the destination of the baggage (and/or transfer points)).

Re claim 9, Tuttle discloses the method as recited in rejected claim 1 stated above, wherein:

collecting passenger boarding or disembarking data from at least one passenger (a passenger with a portable wireless transponder) at the gateway area with the passenger monitoring system includes collecting disembarking data with the monitoring system (12) from at least one de-boarding passenger having pre-existing boarded status data associated therewith stored in the central data base (Figs. 12-14).

Re claim 11, Tuttle discloses the method as recited in rejected claim 1 stated above, wherein:

displaying stored carrier and passenger data (col. 14, line 24- col. 15, line 56) includes displaying non-boarded passenger (reserved list) information for the designated carrier event, the non-boarded passenger information including at least one of identification of non-boarded passengers (a SSN, a confirmation number or a frequent flyer number, etc.), non-boarded passenger boarding pass information, baggage information associated with each non-boarded

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passenger and final destination of each non-boarded passenger (FIG. 3. More particularly, the system uses the existing reservation database of the system 152, including information identifying passengers who have purchased tickets for a flight, and information about scheduled departures. The information includes existing information such as a flight, bus or train number 178, destination 180, a gate, bay, or track number 182, scheduled departure time 184, and status information 186 (e.g., boarding, on time, delayed, gate change, see agent, cancelled, etc.)).

Re claim 12, Tuttle discloses the method as recited in rejected claim 11 stated above, wherein:

the non-boarded passenger (passenger in the reservation list who have not check-in yet) information includes baggage information (the system is a reservation and baggage tracking system) associated with each non-boarded passenger; and further comprising

communicating the non-boarded passenger baggage information from the passenger monitoring system to a baggage handler associated with the designated carrier event to facilitate separation of such baggage from the passenger carrier (in one embodiment, a similar method and routine is used to check in luggage bearing a card 32 (or a miniature tag housing the integrated circuit 34) which is configured to transmit data indicating the card is associated with checked baggage (instead of carry-on baggage or other equipment) in response to a command from the interrogator. The luggage can be checked in instead of or, preferably, in addition to the passenger. This way, the passenger can just leave the luggage in a designated area instead of waiting in a line. Airline personnel can determine the destination by interrogating the card 32 or tag on the baggage. Thus, the card 32 or tag becomes an electronic (recyclable) baggage tag. In

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one embodiment, the card 32 or tag on the checked baggage includes a display (as described elsewhere herein), which displays the destination of the baggage (and/or transfer points)).

Re claim 13, Tuttle discloses the method as recited in rejected claim 1 stated above, wherein:

displaying the stored carrier and passenger data includes displaying standby passenger information for the designated carrier event, the standby passenger information including a standby designation of standby passengers and at least one of identification of standby passengers, standby passenger boarding pass information, baggage information associated with each standby passenger and final destination of each standby passenger (Fig. 3; col. 1, ll. 21-34)).

Re claim 15, Tuttle discloses the method as recited in rejected claim 1 stated above, wherein:

the passenger monitoring system includes a printer for printing baggage information on a baggage tag (Tuttle discloses that it is traditional for an airline employee to mark a passenger's luggage and printing a receipt for the passenger).

Re claim 18, Tuttle discloses a method of monitoring passengers during boarding or disembarking from a passenger carrier (airplane, train, bus, or boat, etc.), the method comprising:

providing a passenger monitoring system (12) at a gateway area for boarding or disembarking of a passenger carrier for a designated carrier event, the passenger monitoring system including a passenger data collecting device (interrogator), an instruction input device (a computer inherently has an input and an output device), a video monitor display device (170) and a data processor (controller 54) that is in communication with a remotely located

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central database (carrier reservation and baggage tracking system 152) containing stored carrier and passenger data for the carrier event;

collecting passenger boarding or disembarking data from at least one passenger at the gateway area with the passenger monitoring system (12);

comparing the collected passenger data to the stored carrier and passenger data for the carrier event (158 in Fig. 14); and

providing and transmitting a comparison result on the display device of the passenger monitoring system based upon the compared collected and stored data, the comparison result including an indication of at least one of a validation status (checked-in), a non-validation status, and a prompt to check for passenger information for the at least one passenger, and

further including displaying and updating at least a passenger identifier for the at least one passenger and a total number of passengers having a validated status for the carrier event on the display device (step 160 in Fig. 14 provides an updated number of passengers in the reservation list and the checked-in list).

Re claim 19, Tuttle discloses the method as recited in rejected claim 18 stated above, wherein:

comparing the collected passenger data (158), providing a comparison result (160), transmitting status indication feedback data, and updating the stored carrier and passenger data of the central database occur immediately upon collecting passenger boarding or disembarking data (156).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle (US 6,509,829).

Re claim 10, Tuttle discloses the method as recited in rejected claim 1 stated above, wherein: the passenger monitoring system (12) includes a passenger-data item reader (interrogator); and collecting passenger boarding and disembarking data includes receiving a data signal from a passenger-data item (a SSN, a confirmation number or a frequent flyer number, etc. stored in the portable wireless transponder) associated with a passenger when the item is brought within a proximal distance to the reader (col. 6, ll. 19-30).

However, Tuttle does not disclose that the passenger-data item reader is in the form of an optical bar code reader.

A barcode and a barcode reader are well known in the art. A data encoded in the form of a barcode is less expensive to generate than a data encoded in a radio frequency tag. A properly encoded data and a barcode printer would be sufficient to generate a barcode label with passenger/baggage information. On the other hand, it requires more complicated system to manufacture a radio frequency tag and its reader.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to consider applying a barcode and a barcode reader to handle

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passenger/baggage information since a substantial savings in operating expenses can be accomplished.

Re claim 14, the teachings of Tuttle have been fully discussed above with the exception of handling a standby passenger as recited in the present application.

However, Tuttle discloses that the carriers typically “overbook” by selling a number of seats over the number of seats that are actually available (in col. 1, line 26-col. 2, line 50). One of the reasons of “overbooking” is to maximize the profit by increasing efficiency of each flight.

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have incorporated a portable wireless transponder and a reservation and baggage tracking system of Tuttle to assist standby passengers for the purpose of maximizing the profitability, efficiency of customer service and the flight schedule.

Re claim 16, the teachings of Tuttle have been discussed with the exception of passenger-data item reader being in the form of an optical bar code reader.

A barcode and a barcode reader are well known in the art. A data encoded in the form of a barcode is less expensive to generate than a data encoded in a radio frequency tag. A properly encoded data and a barcode printer would be sufficient to generate a barcode label with passenger/baggage information. On the other hand, it requires more complicated system to manufacture a radio frequency tag and its reader.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to consider applying a barcode and a barcode reader to handle passenger/baggage information since a substantial savings in operating expenses can be accomplished.

Allowable Subject Matter

6. Claims 17 and 20 are allowable.

The following is a statement of reasons for the indication of allowable subject matter: none of the cited prior art of the record discloses, teaches, or fairly suggest a method of monitoring passengers during boarding or disembarking from a passenger carrier comprising, among other steps, selecting a carrier event to be monitored and providing monitoring operation selection options. The aforementioned steps along with steps recited in claim 17 and 20 appear to be allowable over the prior art of the record.

Response to Arguments

7. Applicant's arguments filed June 29, 2005 have been fully considered but they are not persuasive. The applicant has amended claims 1, 16, and 17 and added a new claim 20.

Rejection under 35 U.S.C. § 102/103

The applicant argues that the cited reference does not disclose a single inquiry event, which would occur during either a boarding or disembarking operation for a carrier event (page 13).

The examiner respectfully disagrees. As discussed in detail in this Office Action, step 124 shows a single inquiry event, which reads on the amended claim 1.

Previous rejected claim 16 under 35 U.S.C. § 102 is now rejected under 35 U.S.C. § 103 because of amended limitation. Therefore, the argument is moot.

Previous rejected claim 17 is now allowable because the cited reference is silent about the added limitation.

A newly added claim 20 is allowable based on its dependency with claim 17.

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In conclusion, claims 1-16, 18, and 19 remain rejected for the reasons discussed above, and claims 17 and 20 are allowable.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 571-272-2404. The examiner can normally be reached on Mon - Fri (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven S. Paik
Primary Examiner
Art Unit 2876

ssp